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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/222,336	12/28/1998	GUY A. STORY JR.	02541.P009	3308
8791	7590	02/24/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			RETTA, YEHDEGA	
		ART UNIT	PAPER NUMBER	
		3622		

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/222,336	STORY ET AL.
	Examiner	Art Unit
	Yehdega Retta	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 November 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8, 10-18 and 20-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-8, 10-18 and 20-30 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____ .
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ . 5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

Response to Amendment

This office action is response to the Amendment filed November 22, 2004. Applicant amended claims 1, 3, 11, 13, 21, 23 and 24. Claims 9 and 19 are cancelled. Claims 1-8, 10-18, 20-30 are now pending in this case.

Claim 24 is objected to because of the following informalities: The amendment refer to the claim as “previously presented”, since the claim have been amended it should be referred as “currently amended”. Appropriate correction is required.

Applicant’s amendment overcomes the rejection of 35 USC § 112 in regard to claim 1, 3, 11, 13, 21 and 23.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 10, 20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites, “storing the first license in second digital audio content”. Claim 1, as amended recites “determining whether playback of digital audio content received from the content provider … by comparing the first license with the digital audio content …”. As amended, nether claim 1 nor claim 2 recite a “first digital content”, which differentiate it from a second digital audio. Correction is required.

Claim 22 recites, “storing the first license in second digital audio content”. Claim 21, as amended recites “determining whether playback of digital audio content received from the content provider … by comparing the first license with the digital audio content …”. As amended, neither claim 21 nor claim 22 recite a “first digital content”, which differentiate it from a second digital audio. Correction is required.

Claim 10 recites the limitation "wherein the first digital audio content". There is insufficient antecedent basis for this limitation in the claim. Claim 1, as amended, recites a “digital audio content”. Correction is required.

Claim 20 recites the limitation "wherein the first digital audio content". There is insufficient antecedent basis for this limitation in the claim. Claim 11, as amended, recites a “digital audio content”. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-18, 20-30 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Katz et al. U.s. Patent No. 5,926,624.

Regarding claims 1-3, Katz teaches creating one or more licenses having cardinality associated with the license, the cardinality indicating the number of authorized playback devices (see col. 12 lines 39-67); transmitting the license, via network connection, to playback devices authorizing playback of the digital audio content with the playback devices (software or hardware) (see fig. 2, col. 11 line 32 to col. 12 lines 67); Katz teaches transmitting configuration data, which includes Group ID, storing the Group ID in the playback devices and authorizing only the playback devices defined by the Group ID (see col. 8 lines 5-62, col. 9 line 13 to col. 10 line 67 and col. 11 line 31 to col. 12 line 66); storing the license in digital audio contents, and determining whether playback of digital audio content is authorized to by comparing the first license with the digital content having the licenses embedded (see col. 13 lines 19-58). Katz teaches that the server (260) creating a targeted header for selected files (the targeted header linked with the corresponding digital information), the header comprises a combination of the descrambling map with the private player IDs corresponding to the targeted playback devices etc. (see col. 13 line 30 to col. 14 line 27), storing a first license in second digital audio content and authorizing playback of the second digital audio content with the first set of playback devices; creating a second license having a second cardinality ... (see col. 12 lines 55-64).

Regarding claims 4-6, 14-16 and 25-27, Katz teaches wherein the cardinality is fixed (see col. 11 lines 32-53); variable or unlimited (see col. 12 lines 39-67).

Regarding claims 7, 8, 17, 18, 28 and 29, Katz teaches playback devices comprising a hardware or software devices (see col. 11 lines 19-31 and col. 15 lines 30-62).

Regarding claims 10, 20 and 30, Katz teaches the digital content comprises of video digital programming (see col. 5 lines 45 to col. 6 line 3 and col. 18 line 66 to col. 19 line 4).

Claims 11-13 and 21-23 are rejected as stated above in claims 1-3 respectively.

Claim 24 is rejected as stated above in claim 1.

Response to Arguments

Applicant's arguments filed December 6, 2004 have been fully considered but they are not persuasive.

Applicant in his argument states that the final office action points to nothing in the Group ID that indicates a number of playback devices that may be included in the group. Further states that the Group of Katz is merely a number that identifies a group, the Group ID does not indicate a number of playback devices in the group. Examiner agrees that the Group ID does not indicate the number of playback devices in the group. Katz teaches the playback devices, which receive the same Group ID, belong to that group (i.e., if 10 playback devices receive the same Group ID then 10 devices belong to that group).

Examiner would like to point out that the claim does not recites that the license indicates a number of playback devices in the group. The claim recites "creating a first license having a cardinality associated with the license, wherein the cardinality indicates the number of playback devices that can be authorized for playback of associated digital audio content, the license created by and the cardinality to be enforced by a license management device". According to the claim, the license have a cardinality associated with, which indicate the number of playback authorized to play, however it is not the same as the license indicates the number of playback device in the group. Also according to

applicant's specification, see page 12, the license is comprised of 32 bit group ID, or other identifier size. Further the specification discloses that each playback device storing a license belongs to a set of one or more playback devices storing the license, and the set being authorized to play the content and the set of playback devices is authorized to play the digital content, which is the same as the Katz system. The prior art, Katz teaches a license management device (Server 260) generating a license (Group ID) and the license transmitted to playback devices (see fig. 2& 10, col. 8 lines 30-63 and col. 12 lines 39-67). Katz further teaches the library server 260 utilizes a set of identifiers (i.e. player ID) for mobile playback devices authorized to receive the selected download data from the library, the library formatting the downloads data that can only be read by mobile devices with these identifiers (see col. 11 lines 39-48). Katz also teaches playback devices logically grouped together using a Group ID and digital information content, software, or configuration data changes targeted to a group of mobile playback devices defined by a group ID. Each Player storing one or more group ID of which the particular player is a member, playback devices of the same group share the same Group ID (see col. 12 lines 39-66). Players with the same Group ID, indicates the number of playback devices that are authorized to playback the content. The license is enforced by the server (260), which manages the license.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yehdega Retta
Primary Examiner
Art Unit 3622

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